

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 15920 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

JANAKKUMAR JAYANTILAL VYAS

Versus

AMARNATH CO.OP. BANK LTD.

Appearance:

1. Special Civil Application No. 15920 of 2003
MR AR GUPTA for Petitioner No. 1
G S THAKKAR for Respondent No. 1
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CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 06/01/2005

ORAL JUDGEMENT

1. The petitioner has by way of this petition
challenged the impugned order dated 3rd October, 2003

passed by the Tribunal in Appeal No. 1275 of 2002 at Annexure-A to the petition.

2. Heard the learned advocates for the respective parties. Pursuant to the order of this Court dated 30th December, 2004, the petitioner has paid Rs.75,000=00 [Rs.Seventy Five Thousand Only].

2.1. In that view of the matter and also in view of the decision of the Apex Court in the case of the Collector Land Acquisition, Anantnag v. Mst. Katiji & Ors., reported in A.I.R. 1987 S.C. p. 1353, the delay is condoned.

3. In the premises aforesaid, on the facts and circumstances of the case, the impugned order dated 3rd October, 2003 passed by the Tribunal at Annexure-A to the petition is quashed and set aside. The matter is remanded to the Tribunal for deciding the appeal of the petitioner afresh on merits after hearing the petitioner.

3.1. It is clarified that the Tribunal shall hear and decide the matter on merits in accordance with law, writ of this order, without being influenced by the writ of this order, without being influenced by the earlier order which is quashed in the present petition and also the present order.

4. Rule is made absolute to the aforesaid extent. Direct service is permitted.

[K.S. JHAVERI, J.]
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